

**PHYSICAL THERAPY BOARD OF CALIFORNIA**

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**APPROVED  
BOARD MEETING MINUTES  
August 3, 2006**

Department of Consumer Affairs Howe Avenue Complex  
1424 Howe Avenue, Greg Gorges Conference Room  
Sacramento, California 95825  
(916) 561-8200

*Thursday, August 3, 2006                      9:00 A.M.       - Board Meeting & Hearing*

*Thursday August 3, 2006       9:00 A.M.*

**1.     Call To Order and Roll Call**

President Chu called the meeting of the Physical Therapy Board of California to order at 9:00 a.m. Roll call was taken.

Donald Chu, PhD, PT – President  
Lorraine Kimura, PT  
Julie Brandt  
Nancy Krueger, PT– Vice-President  
Phillip Chen

All members were present with the exception of Julie Brandt, Phillip Chen, and Nancy Krueger. The Board did not have a quorum.

The minutes are to reflect Nancy Krueger arrived at 9:15 a.m. However, without four attending members the Board did not have a quorum.

**9:00 A.M. Hearing****2.     Petition for Termination/Modification of Probation Hearing**

- (A) Open Session - Theresa Van Vracken, PT
- (B) The Board will convene in CLOSED SESSION to deliberate per Government Code Section 11126(c)(3).

The Administrative Law Judge (ALJ) conducted the Petition for termination/modification of probation hearing. Members were not able to vote or participate in the hearing since the Board did not have a quorum.

**3.     The Board will convene in CLOSED SESSION to deliberate on disciplinary decisions and stipulations per Government Code 11126(c)(3)**

- (A) Alyssia Peyton, PTA
- (B) Stephen Yap, PT

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- (C) Emergency Items
  - Nelson Tumanda, PTA
  - Sandhya Dharmades, PT

Anita Scuri, Legal Counsel, informed the Board their votes will need to be mailed in since the Board did not have a quorum.

In regards to the non-adopted proposed decision on Alyssia Peyton, staff advised the Board to schedule a teleconference meeting on August 18, 2006 at 12:00 p.m. to discuss and vote on Alyssia Peyton, PTA.

Disciplinary decisions are available on the Board's website at [www.ptb.ca.gov](http://www.ptb.ca.gov).

### **4. Approval of Minutes**

- (A) August 4, 2005 – Board Meeting
- (B) May 4, 2006 – Board Meeting

President Chu reported the Board could not make a motion on the August 4, 2005 or May 4, 2006 Board meeting minutes but would accept comments. The August 4, 2005 meeting minutes continue to be placed on the agenda due to the Board not having a quorum in October 2005. The August 4, 2005 minutes were not placed on the February 2006 agenda. No comments made. Approval of the minutes will be moved to the November meeting.

### **5. President's Report – Donald Chu, PhD, PT**

- (A) Update

Mr. Hartzell reported on the status of Board member vacancies. He informed the members both Mr. Chen and Ms. Brandt would submit their resignations once another Board member appointment has been made. Mr. Hartzell requested they not resign until the Board has received another appointment in order to continue with processing enforcement cases. The Governor's office and the Speaker of Assembly's office have both been made aware of the urgency of new appointments. He requested Ms. Brandt work with the Senate Rules Committee in establishing her replacement.

- (B) 2006 Meeting Dates

President Chu reviewed the 2006 meeting dates included in the agenda book. There were no changes made.

- (C) 2007 Meeting Dates

President Chu reviewed the 2007 meeting dates included in the agenda book. The board meeting dates are as follows:

- January 25, 2007 Sacramento DCA Hearing Room
- March 26 & 27, 2007 Sacramento or Monterey
- May 3 & 4, 2007, Ontario
- August 2 & 3, 2007, San Diego
- November 8 & 9, 2007 Oakland

President Chu directed staff to bring these proposed dates to the November meeting for approval.

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### **6. Executive Officer's Report -*Steven K. Hartzell***

#### **(A) Update**

Mr. Hartzell reported DCA is focusing on addressing the threat of a pandemic or catastrophic emergency. Mike McCormick has been assigned to lead this project for the Board.

#### **(B) 2005 - 2006 Budget**

Mr. Hartzell reported on the 2005-2006 Budget that was handed out at the meeting. He discussed the fund condition and the projected deficiency in the fund and advised the Board that action would be required at a future meeting.

#### **(C) 2006 – 2007 Budget**

Mr. Hartzell reported on the 2006-2007 Budget.

#### **(D) 2007-2008 Budget & BCP's**

Mr. Hartzell reported staff has submitted two BCP's for fiscal year 2007-2008 for the transfer of the cashiering function from the Medical Board of California to the Board and for an increase in the Attorney General's cost.

#### **(E) Office Relocation**

Mr. Hartzell reported the PTBC's office lease is due to expire on March 1, 2007. It is official that the Board and the entire Howe Avenue complex will be relocating to 2005 Evergreen Drive. The Board will be moving in the last two weeks of February. He further discussed the impact the move will have on the Board's fund condition.

### **7. PTBC Staff Team Development Project & Response – *Steven K. Hartzell***

Mr. Hartzell directed members to the Team Development Project and Response included in the agenda book. He discussed the steps management is taking to address the staff's concerns. The members directed Steve to provide the Board with an update in six months by surveying the staff six months after this exercise to determine if all of the staff's concerns have been addressed by management to the satisfaction of the staff.

### **8. Retention Schedule – *Michael McCormick***

Mr. McCormick reported he is working on preparing the final draft for the members to review at the November meeting. He expressed how crucial it is that the Board adopt a retention schedule at the November meeting as this will allow staff to purge files and shred documents that are no longer needed prior to the office moving in February. DCA has urged all Boards to properly dispose of all surplus items to assist with the cost of the move.

Ms. Scuri reported DCA legal office has drafted a policy that addresses the retention of online documents. This policy is awaiting approval by the Director.

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Mr. McCormick requested the Board to consider if disciplinary action should remain for life on the Board's website. If the Board chooses to remove the action from the website then the Board has to destroy the entire file as well.

### **9. Rulemaking – Michael McCormick**

#### **(A) Rulemaking in Progress**

Mr. McCormick reported there currently is no rulemaking files pending or active.

#### **(B) 2006 Rulemaking Calendar**

Mr. McCormick directed members to the 2006 Rulemaking Calendar included in the agenda book. Items that have been identified to add to the 2007 Rulemaking Calendar are Continuing Competency and the Use of the Title "Dr".

### **10. Strategic Plan – Rebecca Marco**

#### **(A) Strategic Plan**

Ms. Marco reported she obtained clarification from Travis McCann on whether Goal 1, Objective 1A is measurable and he indicated that it is a measurable objective. Staff will continue to pursue the objective as written.

#### **(B) Strategic Plan Matrix Chart**

Ms. Marco directed members to the Strategic Plan Matrix Chart included in the agenda book and reviewed the deliverable dates set by staff.

Ms. Scuri identified the date in Goal 3, Objective 3C, Deliverable 2 & 4 both need to be moved forward to allow adequate time to process new regulations. The Board agreed.

### **11. Sunset Report – Steven K. Hartzell**

Mr. Hartzell reported Sunset process is still proceeding with SB1476.

### **12. Newsletter – Debi Mitchell**

Ms. Mitchell directed the members to the Progress Notes included in the agenda book and reported the newsletter was mailed at the beginning of July. The focus of the next Progress Notes will be articles on the responsibility of the physical therapists, legislative update and supervision.

### **13. Consumer and Professional Associations and Intergovernmental Relations – Steve Hartzell**

#### **(A) California Physical Therapy Association (CPTA)**

#### **(B) American Physical Therapy Association (APTA)**

#### **(C) Federation of State Boards of Physical Therapy (FSBPT)**

Mr. Hartzell reported the FSBPT would fund President Chu as the delegate and himself as the executive officer to attend the FSBPT conference. He indicated Ms. Scuri as the Board's legal

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counsel could attend the conference as the alternate delegate. Ms. Kimura requested that each person attend a different seminar in order to report on the entire conference.

- (D) California Consumer Affairs Association (CCAA)
- (E) Department of Consumer Affairs (DCA)
- (F) Citizen Advocacy Center (CAC)
- (G) California Board of Occupational Therapy (CBOT)

Ms. Mitchell directed members to the briefing papers included in the agenda book regarding the CBOT, BCE, and SLPAB.

- (H) Board of Chiropractic Examiners (BCE)
- (I) Speech-Language Pathology and Audiology Board (SLPAB)
- (J) Veterinary Medical Board (VMB)

James Syms, PT, representing the CPTA, asked if the Board has been communicating with the VMB regarding physical therapist providing physical therapy to animals. Ms. Marco reported the VMB would be initiating new regulations that will address physical therapists providing physical therapy to animals.

### **14. Disciplinary Action Report – Donald Chu, PhD, PT**

President Chu reported on the Disciplinary Action Report included in the agenda book.

### **15. Legislation**

- A) 2006 Proposed Legislation
- A2) SB412 – Massage Therapy was added

Mr. Hartzell reported SB412 is included in the agenda book. This bill does not allow a massage therapist to provide health care.

- B) SB1397 - Athletic Trainers: Registration

Mr. Hartzell reported the current version of the bill provides title protection and does not appear to represent potential harm to consumers or unbalance the marketplace.

- C) SB1476 - Professions and Vocations

Mr. Hartzell reported SB1476 allows for the continuation of the Board and extends the Board's next Sunset Review until 2013. The bill's extension does not include the proposed practice act the Board submitted in the Sunset Review report.

- D) AB120 - Physical Therapy Continuing Education

Mr. Hartzell reported he would be submitting a letter to address the monetary concerns that Department of Finance has in regards to our fund condition. He explained the Board's fund would not be initially impacted since the Board cannot require licensees to meet this requirement until new regulations have been created and approved. He does not anticipate the fund being impacted until another couple of years.

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### E) AB2152 – Acupuncture: Health Care Professionals

Mr. Hartzell reported the Board has been watching AB2152 and that the bill has failed passage.

### F) AB2868 - Physical Therapist

Mr. Hartzell reported AB2868 might be heard on Monday August 7, 2006. The bill has been amended to address that a physical therapist can only use the term Dr. if the doctorate degree is earned in physical therapy.

## **16. Progress Report on Study of Fingerprint Clearance – *Monny Martin***

Mr. Martin reported staff has been researching ways to provide better customer service to the applicant and/or licensee when obtaining their fingerprint clearance. He directed members to his briefing paper included in the agenda book which explains the problems incurred when an applicant has their fingerprints processed on the fingerprint card vs. Live Scan. He will provide a final report to the members at the November meeting.

## **17. Licensing**

The full Board will review and take actions on applications submitted by individuals who are applying for licensure as a physical therapist or a physical therapist assistant (e.g. letters of appeal, requests for application extensions, credential reports that do not meet the criteria for review at the staff level)

There were no items to review or discuss under licensing.

## **18. Practice Issues**

The full Board will review, discuss, and take actions on practice issues that have been submitted to the Board.

- (A) MediCare and Medicaid reimbursing services by a Physical Therapist Assistants who received their license by meeting the Equivalency Requirements.

Mr. Hartzell explained that until the Board has a licensee effected by MediCare and Medicaid's policy on reimbursing services by a physical therapist assistant who received their license by meeting the equivalency requirements the Board is unable to address this concern. All physical therapist assistants are equally regardless of how licensure was obtained.

- (B) Review and action on Joint Statements by the California Board of Occupational Therapy (CBOT) and the Physical Therapy Board of California to provide clarification of both professions scope of practice and physical therapist supervising an occupational therapist to obtain their advance practice certification.

Ms. Mitchell reported she is still working with the CBOT on drafting the joint statements.

## **19. Items for Next Meeting Agenda**

The following items will be placed on the November 9, 2006 meeting agenda:

- Creating a Task Force for Continuing Competency

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- Discuss Increasing the Renewal Fee
- 2007 Rulemaking Calendar
- Legislation
- Retention Schedule
- Audit Review
- Office Relocation
- Study on Fingerprint Clearances

### **20. Public Address**

### **21. Adjournment**

The meeting of the Physical Therapy Board of California adjourned at 2:39 p.m.

*The Board President at the August 3,, 2006 Board meeting was Donald Chu. However, Nancy Krueger was the Board President at the November 9, 2006 meeting when the minutes were approved.*

Moved by Sara Takii, Seconded by Debra Alviso to approved the August 3, 2006 meeting minutes based on Nancy Krueger's review who is the sole remaining member that is still serving on the Board since the August 3, 2006 meeting.

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Nancy Krueger, PT – President

Date